



**CITY OF SAN DIEGO**

**CHAIRPERSON'S REPORT**

**TO THE:**

**CITY COUNCIL STRONG MAYOR-STRONG COUNCIL TRANSITION COMMITTEE**

Scott Peters, District 1, Chair  
Michael Zucchet, District 2 Councilmember  
Toni Atkins, District 3 Councilmember  
Tony Young, District 4 Councilmember  
Brian Maienschein, District 5 Councilmember  
Donna Frye, District 6 Councilmember  
Jim Madaffer, District 7 Councilmember  
Ralph Inzunza, District 8 Councilmember

DATE: July 13, 2005

ATTENTION: City Council Transition Committee  
Meeting of July 14, 2005

SUBJECT: Revisiting the issues of Council Committees, the Legislative Analyst and Independent Budget Analyst (ITEM-2)

REFERENCES: Chairperson's Report dated May 25, 2005 on Council Committee Structure, Chairperson's Updated Report dated May 23, 2005 on the Independent Budget Analyst and Legislative Analyst.

**SUMMARY**

**Issues**

1. Determine the preferred Council Committee structure.
2. Consider establishing an independent Legislative Analysis function to assist the City Council.
3. Additional discussion on the Independent Budget Analyst if necessary.

## **Issue #1**

### **Committee Structure**

At the June 2, 2005 meeting, the Transition Committee voted 3 to 2 (Peters-yea, Zucchet-yea, Atkins-nay, Young-not present, Maienschein-not present, Frye-nay, Madaffer-not present, Inzunza-yea) in favor of supporting the Chair's recommendation with three additional changes. The changes include that: 1) the Council President should chair the Rules Committee, 2) the Rules Committee Consultant should work for and in the Office of the Council President, and 3) the current committee consultant structure should remain unchanged.

The Chair had originally proposed to keep the committee structure similar to the current structure, except to combine the Governmental Efficiency & Openness Committee with the Rules and Budget Committees and to slightly modify each Committee's functions. After discussions and concerns raised at subsequent transition committee meetings, the Chair now recommends the following:

#### **Chair's Current Recommendation:**

##### **Rules, Openness & Intergovernmental Relations (4 members)**

- Permanent Rules of Council, City Charter, Intergovernmental Relations, the Ralph M. Brown Act, Public Records Act, Community Right to Know, Accuracy of Government Information, Citizen's Right to Privacy, Consumer Protection, Efficiency and Effectiveness of Government Services, Nominations, International Airports, Port District, and Interagency/Bi-national and Agreements.

##### **Budget & Finance (4 members)**

- Annual Budget Review, Capital Improvement Programs, Financial Reports, Taxes, Fees, Assessments, and Independent Budget Analyst Reports.

##### **Land Use & Housing Committee (4 members)**

- Planning, Land Use, Affordable Housing, Development Services, General Plan Amendments, Subdivisions, Community Facility Finance, Engineering, Annexations, Transportation Planning, Transit Services, Parking, Building Code/Inspection, Land Development Code, Utilities, Infrastructure Finance, and Housing Commission Quarterly Reports.

##### **City Operations & Neighborhood Services (4 members)**

- Police, Fire, Paramedics, Neighborhood Parks, Recreation Programs, Youth Services, Senior Services, Neighborhood Revitalization, BIDs, Litter Control, MBE/WBE, Community Development Block Grant, Code Enforcement, Graffiti Abatement, and Parking Regulations and Enforcement.

##### **Natural Resources & Culture Committee (4 members)**

- Clean Water Program, Energy, Water, State and Federal Endangered Species Acts, Arts and Culture, TOT, Solid Waste Disposal, Recycling,

APCD/Air Quality, Hazardous Waste, MSCP, Regional Parks and Open Space.

Also at the June 2, 2005 meeting, the Transition Committee voted 5 to 0 (Peters-yea, Zucchet-yea, Atkins-yea, Young-not present, Maienschein-not present, Frye-yea, Madaffer-not present, Inzunza-yea) in favor of supporting Chair's Recommendations regarding Committee Representation and Committee Process as stated below. The Chair continues to support these recommendations.

Committee Representation: Committee chairs should be nominated by the Presiding Officer and confirmed by majority vote of the Council. The Presiding Officer should also nominate the vice chairs and members of each committee, subject to a majority vote of the Council. All committee chairs, and members will serve a one-year, renewable term.

Committee Process: The City Council as a whole and the Presiding Officer will have the authority to refer matters (proposed legislation and hearings) to specific committees. The committee chairs would then have the authority to determine whether and when to calendar matters for the committee's agenda. Committee chairs would also have the authority to call for hearings on matters related to the work of their committee.

## **Issue #2**

### **Proposed Office of Legislative Analysis (OLA)**

At the May 26, 2005 Transition Committee meeting, a motion to establish a Council Office of Legislative Analysis failed on a vote of 3 to 5 (Peters-yea, Zucchet-nay, Atkins-nay, Young-yea, Maienschein-nay, Frye-nay, Madaffer-yea, Inzunza-nay). After subsequent Committee discussions on topics such as committee structure, the budget process, and in light of the recent discussion on the legislative process, the Chair wanted another opportunity for the Committee to discuss creating an independent legislative analysis function for the City Council as the legislative body for the City.

### **Chairperson's Recommendation**

1. Create an Office of Legislative Analysis.
2. The roles and responsibilities of the Legislative Analyst should include analyzing and presenting reports on legislation initiated by the Council; providing research and analysis on legislation initiated by the executive branch and other agencies; and conducting any special studies if requested by the Council as a whole.
3. Initial staffing could begin with 4 to 5 professional positions including a director-level position and 3 or 4 policy analysts, and a small support staff that could be shared with the Independent Budget Analyst office.

4. The Office of Legislative Analysis reporting structure should be prioritized as follows: 1) City Council as a whole, 2) Presiding Officer, 3) Committee Chairs, and 4) Individual Councilmembers.
5. Consistent with the Committee's prior direction regarding the creation of the IBA, the Manager should return to the transition committee with a plan to staff the OLA by proposing transfers of personnel from appropriate City departments and the Mayor's office.

## DISCUSSION

It is essential that the City Council be provided with the resources necessary to balance the powers of the legislative branch with the executive branch under the new government structure. Having a Council-wide policy staff that unifies the individual members of the Council will be critical as the Council strives for that balance.

The creation of an independent legislative analysis function was strongly recommended by the City's consulting team (the Dewey Square Group), the Citizen's Advisory Committee (CAC), as well as the recently released Rand Corporation Study commissioned by the Better Government Association.

The rationale for having an independent legislative analysis function that serves the Council as a body is to create a balance with the executive branch. Currently, the analysis that accompanies Manager's Reports for items for Council action is provided by departmental staff via the City Manager. While it is anticipated that department staff will continue to provide information, analysis and staff reports under the new form of government, this will be a function of the executive branch under the Mayor's purview. Having a Council-wide legislative advisory function that reports directly to the Council can provide the necessary independent, unbiased, and professional analysis that will help unify the Council as a body. This is a resource that can help strengthen the legislative branch so that the Council will be a co-equal entity with the executive branch. Having an independent legislative analysis function has been proven to be a valuable resource in other cities that operate under a Mayor-Council form of government as well as the state and federal government structures.

## CONCLUSION

The Strong Mayor-Strong Council form of government will transform San Diego City government into a system where executive powers are vested in the Mayor and legislative powers are vested in the City Council. The role of the City Manager, and City departments as "independent bodies" will change as the City Manager and these department are directed by and answer to the Office of the Mayor. It is reasonable to assume the "point of view" of these departments will favor the vision and priorities of the chief executive. Therefore it is important that the City Council have an adequate number of professional staff, independent of the Office of

the Mayor, to analyze and review the annual budget and other policy proposals by the Mayor's office. The Council must also have adequate staffing to allow for the creation of legislative proposals the City Council deems necessary and in the best interest of the citizens of San Diego. The Office of Legislative Analysis contemplated in this report as well as the Independent Budget Analyst will provide the Council with valuable resources necessary to carry out the duties of the legislative branch.

Respectfully submitted,

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Councilmember Scott Peters  
Chair, Council Transition Committee